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12 *Attorneys for Defendant Stephen L. Hodge*

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION  
16

17 UNITED STATES OF AMERICA,

18 v.

19 STEPHEN L. HODGE,

20 Defendant.  
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Case No. 17-cr-00297-EMC

**JOINT STIPULATION FOR REMOTE  
SENTENCING AND PROPOSED  
ORDER**

1 The parties jointly request that the Court permit Defendant Stephen L. Hodge's  
2 sentencing, currently scheduled for January 13, 2021, to proceed via videoconference.

3 Under the CARES Act, District Judges are specifically authorized to conduct "felony  
4 sentencings" by video or telephonic conference: (1) upon "consent of the defendant ... after  
5 consultation with counsel"; (2) when such hearings "cannot be conducted in person without  
6 seriously jeopardizing public health and safety"; and (3) when "the district judge in a particular  
7 case finds for specific reasons that the plea or sentencing in that case cannot be further delayed  
8 without serious harm to the interests of justice." CARES Act, Pub. L. 116-136 §§ 15002(b)(2),  
9 (4). Here, all three elements are met.

10 *First*, Mr. Hodge, after consultation with counsel, formally consents to proceed with the  
11 January 13, 2021 hearing via videoconference.

12 *Second*, under the authority granted by the CARES Act, and based on findings of the  
13 Judicial Conference of the United States that emergency conditions due to the national emergency  
14 with respect to COVID-19 have affected and will materially affect the functioning of the federal  
15 courts, the Chief Judge of this District has issued a General Order finding that "felony  
16 sentencings under Rule 32 of the Federal Rules of Criminal Procedure ... cannot be conducted in  
17 person without seriously jeopardizing public health and safety." See General Order No. 74,  
18 Temporary Use of Teleconferencing, Videoconferencing, and Other Procedures in Criminal  
19 Matters Pursuant to the Coronavirus Aid, Relief, and Economic Security Act ("CARES ACT"), at  
20 2 (N.D. Cal. Mar. 30, 2020; amended Sept. 16, 2020). Further, as of December 8, 2020, all in-  
21 person, in-court proceedings were suspended at all Northern District California courthouses until  
22 January 3, 2021, with a planned resumption of some limited proceedings, if possible, on January  
23 4, 2021.

24 *Third*, "sentencing in [this] case cannot be further delayed without serious harm to the  
25 interests of justice." CARES Act, Pub. L. 116-136 §§ 15002(b)(2). Additional delay of Mr.  
26 Hodge's sentencing would result in serious harm to the interests of justice. The Federal Rules of  
27 Criminal Procedure direct courts to "impose sentence without unnecessary delay." Fed. R. Crim.  
28 P. 32(b)(1). Mr. Hodge promptly accepted responsibility and entered a plea of guilty on June 28,  
308366653.1

1 2017. He testified as a cooperating witness in the Government's trial against Christopher  
2 Lischewski, 3:18-cr-00203-EMC, in November 2019. Mr. Hodge's sentencing was originally  
3 scheduled for January 22, 2020 (Dkt. 29) but has been rescheduled and delayed several times due  
4 to the COVID-19 pandemic and related scheduling issues. *See* Dkt. 32, 36 and 38. The  
5 uncertainty and stress of Mr. Hodge's pending sentencing has been extremely difficult for Mr.  
6 Hodge and his family. A further delay in his sentencing would cause serious harm to the interests  
7 of justice.

8 *Finally*, while not a requirement of the CARES Act, the Government does not object to  
9 proceeding with Mr. Hodge's sentencing via videoconference.

10 WHEREFORE, the parties jointly request this Court to permit Mr. Hodge's sentencing,  
11 scheduled for January 13, 2021, to proceed via videoconference having found that the delay of  
12 this sentencing would cause serious harm to the interest of justice.

1 Dated: December 9, 2020

K&L GATES LLP

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3 By: /s/ Lauren N. Donahue

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24 *Attorney for the United States*

25 IT IS SO ORDERED:

26 DATE: \_\_\_\_\_

27 \_\_\_\_\_  
28 Honorable Edward M. Chen  
U.S. District Judge  
Northern District of California

**ATTORNEY ATTESTATION**

I hereby attest, pursuant to Local Rule 5-1(i)(3), that the concurrence in the filing of this document has been obtained from the signatory indicated by the “conformed” signature (/s/) of Mikal J. Condon within this e-filed document.

/s/ Lauren N. Donahue